

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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BRASSICA PROTECTION PRODUCTS LLC, : 1:07-cv-07844-SAS  
Plaintiff, :  
-against- :  
CAUDILL SEED & WAREHOUSE CO., INC. :  
Defendant. :  
-----X

**DECLARATION OF ANN G. SCHOEN, ESQ.  
IN SUPPORT OF DEFENDANT CAUDILL SEED & WAREHOUSE CO., INC.'S REPLY  
BRIEF IN SUPPORT OF ITS MOTION TO TRANSFER, STAY, OR DISMISS**

I, Ann G. Schoen, Esq., make the following declaration pursuant to 28 U.S.C. § 1746, and declare as follows:

1. I am a Member of the law firm Frost Brown Todd LLC, counsel for the Defendant Caudill Seed & Warehouse Co., Inc., (Hereinafter "Caudill"), in the above captioned action.

2. I have personally reviewed the correspondence between counsel in this matter and have attached hereto as Exhibit 1, the e-mail dated September 6, 2007 from Janet Jakubowicz to Edward Powers of Bingham McCutchen LLP, forwarding as a courtesy, the Complaint and Summons filed in the Kentucky Federal Court against Brassica on Tuesday, September 4, 2007.

3. I have personally reviewed and verified that attached hereto as Exhibit 2, is a true and correct copy of Caudill's Rule 26(a) Initial Disclosures as exchanged on December 3, 2007.

4. I have personally reviewed and verified that attached hereto as Exhibit 3, is a true and correct copy of Brassica's Rule 26(a) Initial Disclosures as exchanged on December 3, 2007.

I declare under penalty of perjury the foregoing is true and correct, to the best of my knowledge, information and belief.

12-4-07  
Date

Ann G. Schoen  
Ann G. Schoen, Esq.